

HOUSE No. 1459

By Miss Garry of Dracut, petition of Colleen M. Garry relative to child care involvement of non-custodial parents. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT INCREASING PARENTAL INVOLVEMENT WITH CHILDCARE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 28 of Chapter 208 of the General Laws, as
2 so appearing, is hereby amended by inserting at the end of the first
3 paragraph the following:—

4 When the court makes an order or judgment for maintenance or
5 support of a child or children hereunder, the court shall determine
6 whether childcare services are deemed necessary by the custodial
7 parent and whether the non-custodial parent is available and capable
8 of providing all or part of said childcare. If the court determines that
9 the non-custodial parent is available, capable, and desirous of pro-
10 viding all or part of said childcare for the child or children for whom
11 support is ordered, the court shall include in its order provisions
12 allowing the non-custodial parent the right to provide such child
13 care. Nothing in this section shall be deemed to authorize entry by
14 the non-custodial parent into the home of the custodial parent for the
15 purposes of childcare. A change in the availability of the non-custo-
16 dial parent to provide childcare shall constitute a material and sub-
17 stantial change in circumstances for purposes of modification of
18 existing judgments.

1 SECTION 2. Section 9 of Chapter 209C of the General Laws, as
2 so appearing, is hereby amended by inserting at the end of subsec-
3 tion (a) the following:—

4 When the court makes an order or judgment for maintenance or
5 support of a child or children, said court shall determine whether day
6 care services are deemed necessary by the custodial parent and
7 whether the non-custodial parent is available, capable, and desirous

8 of providing all or part of said child care. When the court has deter-
9 mined that the non-custodial parent is available, capable, and
10 desirous of providing child care for the child or children for whom
11 support is ordered, the court shall include in its orders provisions
12 allowing the non-custodial parent the right to provide said child care.
13 Nothing in this section shall be deemed to authorize entry by the
14 non-custodial parent into the home of the custodial parent for the
15 purposes of childcare. A change in the availability of the non-custo-
16 dial parent to provide childcare shall constitute a material and sub-
17 stantial change in circumstances for purposes of modification of
18 existing judgments.

19 Ch. 208, sec. 28 refers to support orders as part of divorce.

20 Ch. 209C, see 9 refers to support orders for children born out of
21 wedlock.